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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,237

03/17/2004

Koichiro Hirabayashi

YAMAP0910US

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06/27/2006

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EXAMINER

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/802,237

Applicant(s)

HIRABAYASHI ET AL.

Examiner

William J. Klimowicz

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2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION*****Drawings***

Figure 10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1 (line 24), the phrase "the at least one arm is provided *in* the sub chassis" (emphasis added) is vague and ambiguous. More concretely, it is indeterminate as to the scope of the invention with regard to the at least one arm and the sub chassis. Is the arm provided "on" the sub chassis, "mounted to" the sub chassis, or some other unspecified relationship?

Correction of such ambiguity is required to obviate the claim rejection.

Additionally, since claims 2-6 depend directly or indirectly from claim 5, they too are thus rejected under the second paragraph of 35 U.S.C. § 112.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi (US 5,448,431).

As per claim 1, Kobayashi (US 5,448,431) discloses a magnetic recording and reproduction apparatus, comprising; a main chassis (1) having a rotatable head cylinder (2) provided thereon; a sub chassis (7) on which a tape cassette (C) is mountable; a plurality of tape pull-out members acting so as to pull out a tape from the tape cassette; and at least one arm (8 and/or, arm of 9, and/or 10 and/or alternatively, pin 10a, which has a length - arm length in a vertical direction and hence, can be construed as an “arm” per se) for driving at least one of the plurality of tape pull-out members (12 and/or 8a and/or 9); wherein: the sub chassis (7) is movable with respect to the main chassis (1) between a tape cassette (C) mountable position (FIG. 4) and a tape pull-out completion position (FIG. 5), and the tape cassette mountable position (FIG. 4) is the position at which the tape cassette (C) is mountable on the sub chassis (7) and the tape pull-out completion position (FIG. 5) is the position at which information recording

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to, and information reproduction from, the tape (16) which has been pulled out from the tape cassette (C) and wound around the rotatable head cylinder (2) can be performed; the main chassis (1) includes at least one guide member (e.g., 22, 22b or 24) for guiding the at least one tape pull-out member (8 and/or, arm of 9, and/or 10) while the sub chassis (7) moves between the tape cassette mountable position (FIG. 4) and the tape pull-out completion position (FIG. 5); the at least one arm (8 and/or, arm of 9, and/or 10) is provided "in" the sub chassis; and the at least one arm (8 and/or, arm of 9, and/or 10) drives the at least one tape pull-out member (12 and/or 8a and/or 9) such that the at least one tape pull-out member (12 and/or 8a and/or 9) pulls out the tape (16) from the tape cassette (C) while the sub chassis (7) moves from the tape cassette mountable position (FIG. 4) to the tape pull-out completion position (FIG. 5) - compare and contrast FIGS. 4 and 5.

As per claim 2, wherein each of the at least one arm (e.g., pin 10a, which has a length - arm length in a vertical direction and hence, can be construed as an "arm" per se) is pivotably engaged with a corresponding one of the at least one tape pull-out member (12) - via (10); and the at least one arm is engaged with the main chassis (1) (e.g. "indirectly" engaged via (sub chassis (7) and pin (1a, 1b)).

As per claim 3, further comprising at least one cam section (22b) for driving the at least one arm (8 and/or, arm of 9, and/or 10); wherein each of the at least one arm (8 and/or, arm of 9, and/or 10) is engaged with a corresponding one of the at least one cam section, and the at least one cam section is provided on the main chassis (1) - see, e.g., COL. 7, lines 49-63..

As per claim 5, further comprising a securing guide section (e.g., 24, 26) provided on the main chassis (1) and an elastic member (26) provided on the main chassis (1); wherein when the

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sub chassis (7) moves to a position in the vicinity of the tape pull-out completion position (FIG. 5), a portion of one of the at least one arm (10) contacts the elastic member (26) and presses one of the at least one tape pull-out member to the securing guide section, so as to position the one tape pull-out member (12) at a prescribed position.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeda et al. (US 5,315,460).

As per claim 1, Takeda et al. (US 5,315,460) discloses a magnetic recording and reproduction apparatus, comprising; a main chassis (19) having a rotatable head cylinder (10) provided thereon; a sub chassis (20) on which a tape cassette (2) is mountable; a plurality of tape pull-out members (8, 9, 11, 12) acting so as to pull out a tape (1) from the tape cassette (2); and at least one arm (28, 37) for driving at least one of the plurality of tape pull-out members (8, 9, 11, 12); wherein: the sub chassis (20) is movable with respect to the main chassis (19) between a tape cassette mountable position (FIG. 5) and a tape pull-out completion position (FIG. 9), and the tape cassette mountable position (FIG. 5) is the position at which the tape cassette (2) is mountable on the sub chassis (20) and the tape pull-out completion position (FIG. 9) is the position at which information recording to, and information reproduction from, the tape (1) which has been pulled out from the tape cassette (2) and wound around the rotatable head cylinder (10) can be performed; the main chassis (19) includes at least one guide member (47, 48, 49, 50) for guiding the at least one tape pull-out member (8, 9, 11, 12) while the sub chassis (20) moves between the tape cassette mountable position (FIG. 5) and the tape

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pull-out completion position (FIG. 9); the at least one arm (28, 37) is provided “in” the sub chassis (20); and the at least one arm (28, 37) drives the at least one tape pull-out member (8, 9, 11, 12) such that the at least one tape pull-out member (8, 9, 11, 12) pulls out the tape (1) from the tape cassette (2) while the sub chassis (20) moves from the tape cassette mountable position (FIG. 5) to the tape pull-out completion position (FIG. 9).

As per claim 2, wherein each of the at least one arm (28, 37) is pivotably engaged with a corresponding one of the at least one tape pull-out member (8, 9, 11, 12); and the at least one arm (28, 37) is engaged with the main chassis (19) (via links and gears (32, 42)).

As per claim 3, further comprising at least one cam section (slot between (49, 50)) for driving the at least one arm (28, 37); wherein each of the at least one arm (28, 37) is engaged with a corresponding one of the at least one cam section, and the at least one cam section is provided on the main chassis (1).

As per claim 4, further comprising a link member (29, 38) for connecting one of the at least one tape pull-out member (8, 9, 11, 12) and one of the at least one arm (28, 37); wherein one end of the link member (29, 38) is pivotably connected with the one tape pull-out member (8, 9, 11, 12), and the other end of the link member (29, 38) is pivotably connected with the one arm (28, 37).

***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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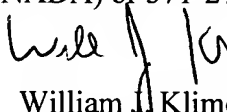
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
William J. Klimowicz  
Primary Examiner  
Art Unit 2627

WJK